

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA DEPARTMENT OF HUMAN RIGHTS

Raul Castaneda,

Complainant,

vs.

Chiquita Processed Foods LLC,

Respondent.

**NOTICE OF AND ORDER FOR
HEARING**

TO: The above-named Complainant and David Shulman, Attorney, Shulman & Dornbos, 1005 W. Franklin, Suite 3, Minneapolis, MN 55405, and the Respondent and its Vice President, Robert M. Brill, Chiquita Processed Foods, LLC, 101 Stokely Dr., DeForest, WI 53532:

NOTICE IS HEREBY GIVEN that the Commissioner of Human Rights has referred this matter to the Office of Administrative Hearings for hearing pursuant to Minn. Stat. § 363.071, subd. 1a. This matter involves the attached charge of discrimination filed by the Complainant with the Minnesota Department of Human Rights on or about August 14, 2002, alleging that the Respondent illegally discriminated against him in the area of employment on the basis of sex and national origin.

IT IS HEREBY ORDERED AND NOTICE IS GIVEN that a prehearing conference in this matter will be held on April 30, 2003, at 2:00 p.m. at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota, for the purpose of considering the matters set out at Minn. Rule pt. 1400.6500, subpart 1. The parties are not required to appear at the prehearing conference if they are represented by counsel.

IT IS FURTHER ORDERED AND NOTICE IS GIVEN that, a hearing in this matter will be held at a time and place to be determined by the Administrative Law Judge.

IT IS FURTHER ORDERED AND NOTICE IS GIVEN that, within 20 days after service of the Notice of and Order for Hearing the Complainant shall file and serve a Complaint consistent with Minn. Rule pt. 5000.0900, and within 20 days of receipt of the Complaint, the Respondent shall file with the Administrative Law Judge and serve upon the Complainant an Answer to the charges consistent with Minn. Rule pt. 5000.1200.

The parties are urged to attend these proceedings; failure to do so may prejudice your rights in this and any subsequent proceedings. If the Complainant fails to appear, the charge may be dismissed. If the Respondent fails to appear, a

finding may be made that the Complainant's allegations are true without a presentation of further evidence except as to damages.

The issues to be determined at the hearing appear to be the following:

1. Whether the Respondent discriminated against the Complainant in employment on account of sex or national origin, in violation of Minn. Stat. § 363.03, subd. 1(2)(b) and (c); and
2. If it is determined that the Respondent violated the above provisions of Chapter 363 of the Minnesota Statutes, whether the Respondent is subject to any of the penalties and whether the Complainant is entitled to any of the relief provided by Minn. Stat. § 363.071, subds. 1a and 2.

George A. Beck, Administrative Law Judge, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612/341-7601, fax: 612/349-2665, will preside as Administrative Law Judge at the prehearing conference, the hearing, and all other aspects of this proceeding, unless the parties are notified otherwise.

At the hearing in this matter, each party will have the right to present evidence, rebuttal testimony, and argument with respect to the issues and to cross-examine any witnesses. All parties shall bring to the hearing all documents, records, and witnesses needed to support their position. The attendance of witnesses or the production of documents may be compelled by a subpoena issued pursuant to Minn. Rules pt. 1400.7000. All parties may retain legal counsel for this proceeding, represent themselves, or be represented by another person of their choice, if such representation is not otherwise prohibited as the unauthorized practice of law.

The hearing will be conducted in accordance with Minn. Stat. §§ 14.57 - 14.69 and 363.071, Minn. Rules pts. 1400.5010 - 1400.8401, and the applicable portions of Minn. Rules pts. 5000.0050 - 5000.2400. Copies of those rules may be obtained from the Minnesota Book Store, 117 University Avenue, St. Paul, Minnesota 55155, telephone 612/297-3000. The Rules of the Office of Administrative hearings are also available at www.oah.state.mn.us.

The Office of Administrative Hearings conducts contested case proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota Supreme Court.

Any party who intends to appear at the hearing is required by Minn. Rules pt. 1400.5700 to file a Notice of Appearance with the Administrative Law Judge within 20 days after service of this Notice of and Order for Hearing. A copy shall be sent to opposing counsel. A Notice of Appearance by an attorney can only be withdrawn in writing.

Please be advised that if "not public" data is admitted into evidence, it may become public data unless an objection is made and relief is requested under Minn. Stat. § 14.60, subd. 2.

If any party needs an accommodation for a disability in order to participate in this hearing process, such an accommodation can be made upon request. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, the administrative law judge must be promptly notified. To arrange an accommodation, contact the Office of Administrative Hearings at 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401, or may call (612) 341-7610 (voice) or (612) 341-7346 (TTY).

Dated this _____ day of March 2003.

/s/ Kenneth A. Nickolai

KENNETH A. NICKOLAI

Chief Administrative Law Judge